

MINUTES
VILLAGE OF LAKE PARK COUNCIL MEETING
3801 LAKE PARK ROAD, LAKE PARK, NC
REGULAR SESSION – 7:00 P.M.
FEBRUARY 10, 2009

ATTENDING: Mayor Kendall Spence
Mayor Pro-Tem: Sandy Coughlin
Council Members: Greg Crosby, Virginia Currence,
Jo Waybright, Clint Newton
Finance Officer – Cheryl Bennett
Village Clerk/Tax Collector – Cheri Clark
Attorney Ken Swain

CALL TO ORDER: Mayor Kendall Spence called the Regular Session of the Village of Lake Park Council to order.

PLEDGE OF ALLEGIANCE: Mayor Kendall Spence led the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES: Jo Waybright made the motion to approve the January 13, 2009 Regular Session minutes as presented. Greg Crosby seconded the motion. Vote – Unanimous.

PUBLIC COMMENT:

Nelson O’Neal requested to be able to hold his comments until Waste Collection.

Todd Plyler with the Literacy Council of Union County requested financial and volunteer support for the Literacy Council.

Francy Hoff and Lauren Ingram expressed their concerns about the Porter Ridge redistricting. They encouraged Council to email Dr. Davis at ed.davis@ucps.k12.nc.us to encourage the VOLP remaining zoned as Porter Ridge. There will be a public hearing on March 10th at the Porter Ridge auditorium.

Ron Oxford with Banner Signs requested that Council consider placing speed limit signs on Creft Circle in the Town Centre area and create a four way stop on the two corners of Balsam and Creft. Mayor Kendall Spence requested that the deputies monitor these areas to determine the need for additional signage.

CHANGES TO THE AGENDA: Move: Waste Collection to 6A and Add: 6B. Carolina Pool Management. Sandy Coughlin made the motion to amend the agenda as presented. Virginia Currence seconded the motion. Vote – Unanimous.

SECURITY: Deputy Tomberlin reported that there were 130 calls in the month of January. Alarm calls, improperly parked cars and traffic stops were the 49% of the calls. Virginia

Currence suggested that Council consider making the intersection of Mother Teresa and Conifer Circle a four way stop. The cost of additional signage would be \$340 per set of stop signs. Sandy Coughlin asked Officer Tomberlin to monitor activity at that intersection and report at the March Council meeting. Previous Councils have monitored that intersection and not found it warranted changing from a 2-way to a 4-way stop at that intersection.

Captain Easley plans on attending the March Council meeting to address any Council and/or citizen concerns. National night out will also be addressed.

WASTE COLLECTION: Nelson O'Neal thanked Sandy Coughlin for her correspondence with Action Garbage and suggested the following changes to the Lake Park Guidelines:

1. Please bundle newspaper with string or place in a paper bag.
2. Please make an appointment to have furniture picked up – no additional charge to the VOLP.
3. Place all yard debris (no dirt) in clear garbage bags.
4. Crush all cardboard.

Action Garbage would like Council to please consider refunding the VOLP's portion of the Solid Waste Disposal Tax that went into effect July 1, 2008. This piece of legislation was not in existence at the time the contract was negotiated four years ago. The current excise tax is \$2.00 per ton. The VOLP averages between 150 and 200 tons per month. Sandy Coughlin stated that every contract bears risks on both sides and are negotiated to minimize the risks for both parties at that time. The Action contract will be considered for renewal before the first term is up March 31, 2010.

CAROLINA POOL MANAGEMENT: Jeff Gaeckle, President of Carolina Pool Management discussed the Virginia Graeme Baker Pool and Spa Safety Act (VGB) that was signed into law December 17, 2007 and how the VOLP will have to be in compliance before the season opens in May 2009. The VGB promotes the safe use of pools, spas and hot tubs by imposing mandatory federal requirements for suction entrapment avoidance and the act is being administered by the U.S. Consumer Product Safety Commission.

CAROLINA POOL **MANAGEMENT, INC**

Village of Lake Park **Virginia Graeme Baker (VGB) Compliance** **PROPOSAL**

THIS AGREEMENT, between **Carolina Pool Management, Inc.**, (the "Company") and, **Village of Lake Park**, (the "Customer"), shall constitute work to be performed by Company at Customer's pool. All work is to be completed in a professional manner and according to standard practices. Prices are for work as specified and under normal conditions. Prices do not include extra work required to correct problems caused by special conditions, such as

hitting rock, water, debris, or by deterioration, or poor condition of items not specified for repair below, or damage done as a result of demolition necessary to complete work.

SCOPE OF WORK:

Professional Engineering Certification:

Information from site visit will be presented to a Certified Professional Engineer to certify plans to bring each hydraulic system into VGB Compliance. Once work is completed, customer will be presented with a letter of compliance from the Certified Professional Engineer.

Cost:

Pool 1	\$600.00
Pool 2	\$300.00
Pool 3	\$300.00
Pool 4	\$150.00

Total Engineering Price: \$1,350.00

At this time the State of North Carolina is not requiring engineering design to complete this work, however a rule re-write is in process and an Engineering Certificate of Compliance will be required in 2010. It will cost more at this time to get this certification

Main Pool

Main Drains:

Existing System designed flow rate: 520 gpm

New Grate designed flow rate is 915 GPM at 1.37fps with a maximum flow rate of 915 as per NSF.

Provide and install two (2) 24 x 24 Paddock Model # 2424PCFC stainless steel certified flat drain covers that are compliant with the Virginia Graeme Baker Pool and Spa Safety Act and meet AMSE/ANSI-2007 requirements. Price includes permit and electrical bonding.

****Price includes normal excavation required to expose bonding grid, if additional excavation is required additional charges may apply.****

PRICE: \$5,000.00 (pool empty)

Original Pool Adult Pool

Main Drains:

Existing System designed flow rate: 140 gpm

New Drain Covers designed flow rate is 210 GPM at 1.5 fps (9" x 9" Lawson Drain Covers)

Provide and install two (2) 9 x 9 Lawson Main Drain covers that are compliant with the Virginia Graeme Baker Pool and Spa Safety Act and meet AMSE/ANSI-2007 requirements.

PRICE: \$780.00 (pool full)

Water Feature Pool

Main Drains:

Existing System designed flow rate: **720 gpm (3) 12 x 12 grates plumbed together**

New Drain Covers designed flow rate is 380 GPM (Lawson 12" x 12") **multi-drain system**

Provide and install three (3) 12" x 12" Lawson Main Drain covers that are compliant with the Virginia Graeme Baker Pool and Spa Safety Act and meet AMSE/ANSI-2007 requirements.

PRICE: \$900.00 (empty pool)

Wading Pool:

Existing System designed flow rate: 100 GPM

New Drain Covers designed flow rate is 200 GPM (10" Round SDX Paramount)

Provide and install two (2) 10" Paramount SDX drain covers that are compliant with the Virginia Graeme Baker Pool and Spa Safety Act and meet AMSE/ANSI-2007 requirements.

PRICE: \$250.00 (pool empty)

Skimmer Equalizer Lines and Vacuum Ports:

Skimmer Equalizers:

Install plugs in (18) skimmer equalizer lines.

PRICE: \$270.00

Vacuum line:

Install VGB Compliant Vacuum Port Covers on (4) vacuum ports in the pool.

PRICE: \$300.00

Upon Completion of work Customer will be presented with the following:

1. Stamped Letter of Certification of Compliance for the federally mandated Virginia Graeme Baker Act. **(If engineering approved)**
2. Manufacturers Parts Certificate of Compliance.
3. Laminated VGB Compliance Certificate from Engineer and Installer. **(If engineering approved)**

*** These prices do not include the cost of water or chemicals to rebalance the water chemistry of the pool (s).**

WARRANTY:

This warranty is limited to 12 months and to the terms included in the scope of work in the agreement. UNAUTHORIZED SERVICE OF ANY KIND WILL VOID THE WARRANTY AND WILL NOT BE PAID FOR BY COMPANY.

The above work will bring Customer's pool in compliance with the Virginia Graeme Baker Pool and Spa Safety Act, based on information that is available today from the U.S. Consumer Product Safety Commission, which is responsible for the enforcement of the law. Company warrants only that the work done is in compliance with the Virginia Graeme Baker Pool and Spa Safety Act, as interpreted by the U.S. Consumer Product Safety Commission on January 15, 2009. **The U.S. Consumer Product Safety Commission is still interpreting the Virginia Graeme Baker Pool and Spa Safety Act. Further modifications to your pool may be required in the future after the CPSC issues more written opinions. CPSC had stated that this process may take two years.**

Prices and conditions of the work listed in this proposal are effective through February 15, 2009. Company may withdraw this proposal after March 1, 2009.

Customer agrees to furnish, at no cost to Company, water and electricity for Company's use in performing the work described herein.

Company accepts no responsibility for hydrostatic lifting. Any risks involved in draining the pool shall be solely the Customer's.

Payment shall be made as follows:

Due to the limited availability of labor and compliant drain covers, 50% of the price is due upon signing of this Agreement and 50% is due upon completion of work.

ACCEPTED:

Company Representative

Customer Owner/ Agent

DATE:

DATE:

FINANCE OFFICER'S MONTHLY REPORT: Cheryl Bennett presented the budget for Council review.

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The Budget Workshop will be held on Tuesday, April 28, 2009 at 7:00 p.m. Hopefully the county will have the property assessments available for the April Council meeting.

TAX OFFICER'S REPORT: Ninety eight percent of the tax ad valorem has been collected. Letters of notification for delinquent tax publication will go out February 27, 2009. Union County has no plans to foreclose on Cypress Homes since taxes are outstanding for only one year. Attorney Ken Swain has sent Wachovia a general letter concerning the VOLP considering legal action to abate the two homes under construction. The VOLP is concerned about the safety around the two abandoned houses.

PUBLIC SERVICES (Waste Collection & Electric): Sandy Coughlin stated that the contract with Action Garbage expires in March 2010. One of the things that the VOLP learned last time that we put the waste collection out to bid was that it was very difficult to compare an apple to an apple in each proposal. In looking at a new RFP, we might want to consider a standard format. The existing contract goes into an automatic renewal unless the VOLP provides ninety days written notice. She added that all of Mr. O'Neal's suggestions were covered in a meeting with AGS in December. These have already been integrated in the 2009 guidelines which are ready to distribute with the February Villager.

Clint Newton reported that electricity increased in 2006 – 2007 – 6.6% and in 2007-2008 -14.3%.

COMMUNICATION: Greg Crosby asked that all articles for the next Villager be submitted by February 13th. Articles for the February newsletter will include topics such as: School redistricting, alarms, crime stoppers, HOA/VOLP comparison installment.

PARK AND RECREATION: Virginia Currence stated that two repaired benches will be placed in Founders Park in the playground area. The sign at Connie's Pond has been repaired and that Lucas is prepared to place a preventative in the ponds to stop the growth of vegetation.

Jo Waybright shared that the pools can not open without the modifications discussed by CPM; therefore she made the motion to move \$12,000 from Contingency to Pool Maintenance. Sandy Coughlin seconded the motion. Under discussion the decision to move the funds from either Capital Outlay or Contingency was considered. The VOLP decided to fund the modifications through the Contingency line item but to seek a second bid before dispersing the funds. Vote – Unanimous.

Jo Waybright made the motion to spend up to \$12,000 to bring our pools up to federal standards. Virginia Currence seconded the motion. Under discussion Park and Recreation can decide on the firm to do the work at their February meeting. Vote – Unanimous.

Jo Waybright talked to Roger Layman concerning the architectural drawings for the addition to the Community Center. In order to have a valid number for budgeting, architectural

drawings would need to be completed. Jo Waybright moved that the VOLP move \$10,000 from County Sidewalk to Community Center. Clint Newton seconded the motion. Greg Crosby questioned the amount left to appropriate in the County Sidewalk line item. There is a little less than \$12,000 left in the line item.

Ken Swain stated that the additional architectural working drawings would need to be put out for bid. Cheryl Bennett referenced a copy of the School of Government 2/09 document for Bids and Proposals. The Community Center addition would not be considered for informal bidding. Ken Swain stated that with a project the size of the Community Center addition we need to follow formal bidding procedures to the letter. Jo Waybright withdrew her motion.

STORMWATER: Cheri Clark has discussed with the County the format and due date for a Stormwater fee to appear on the 2009 tax bills – March 1st. All property tax parcels pay for Stormwater. After discussing the budget needs for Stormwater, Council considered residential flat rates of \$20, \$25 and \$30 and commercial rates of \$100, \$150 and \$200. Cheryl Bennett pointed out that municipalities are mandated to not use general tax funds to cover the full cost. Cheri Clark noted that even these rates are not likely to fully subsidize the program; however it provides a start and will ensure the village budget is not in violation. Pro-rating by lot size or assessed values would add far more complexity than we can manage in the time allowed for the first year. Sandy Coughlin made the motion to adopt the \$30 residential rate and \$200 commercial rate for 2009-2010 Stormwater assessment fees which will be added to the VOLP tax bill as part of the fee schedule. Clint Newton seconded the motion. Vote – Unanimous.

STREET BUSINESS: Mayor Kendall Spence will have three quotes for the March council meeting for the next phase of road resurfacing.

VILLAGE OF LAKE PARK RESOLUTION 2009-01 TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Annexation – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Village of Lake Park Council hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 10th day of February, 2009.

Attest:

Cheri S. Clark, Clerk

Mayor Kendall Spence

Sandy Coughlin made the motion to adopt the resolution as presented. Virginia Currence seconded the motion. Vote – Unanimous.

ECONOMIC DEVELOPMENT: The Economic Development Meeting will be held on February 19, 2009 at 7:00 p.m. and the workshop will be March 24th at 6:00 p.m.

SET AGENDA FOR FEBRUARY 10, 2009: Delete both 6A. Waste Collection and 6B. Carolina Pool Management.

COUNCIL COMMENTS:

Sandy Coughlin stated that it was an honor to serve with her fellow Council members. Mayor Kendall Spence thanked Cheri Clark for all of her work on the Stormwater.

ADJOURN: Sandy Coughlin made a motion to adjourn the meeting. Virginia Currence seconded the motion. Vote – Unanimous.

Respectfully submitted,

Mayor Kendall Spence

Village Clerk, Cheri Clark